

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
EASTERN DIVISION

FILED BY _____ D.C.

05 SEP -9 AM 11:10

THOMAS M. GOULD
CLERK, U.S. DISTRICT COURT
W.D. OF TN, JACKSON

HOLLY MOORE, on behalf of
herself and all similarly situated
persons and entities,

Plaintiff,

VS.

THE GILLETTE COMPANY,

Defendant.

No. 05-1153-T-An

ORDER GRANTING DEFENDANT'S MOTION TO STAY
AND DENYING GOREA'S MOTION TO CONSOLIDATE
AND TO APPOINT INTERIM CLASS COUNSEL

Defendant's Motion to Stay

On July 25, 2005, Defendant filed a motion to stay all further proceedings pending a decision by the Judicial Panel on Multidistrict Litigation ("MDL Panel") on whether this case should be transferred to the United States District Court for the District of Massachusetts [Docket # 17]. Although Plaintiff opposes the stay, she has filed a motion with the MDL Panel stating that she does not oppose consolidation of her case with those similarly situated and she also does not oppose transfer of the action to the Massachusetts District Court. See Defendant's Exhibit B.

The decision whether to grant a stay is within the inherent power of the court and is

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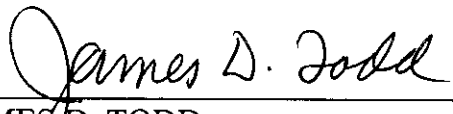
discretionary. See Landis v. North Am. Co., 299 U.S. 248, 254-55 (1936). The court finds that any prejudice to Plaintiff resulting from a stay would be minimal. However, in the absence of a stay, the burden to Defendant of duplicative motions and the cost of discovery would be significant. Moreover, the court would have to use judicial resources supervising pretrial proceedings and making rulings in a case over which it might ultimately lose jurisdiction.

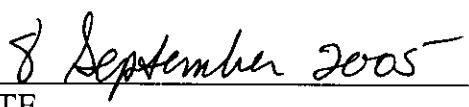
For the foregoing reasons, Defendant's motion to stay pending the MDL Panel's transfer decision is GRANTED. The portion of the motion seeking an expedited hearing is DENIED as moot.

Gorea's Motion to Consolidate and to Appoint Interim Counsel

Tracy Gorea has moved to consolidate his state court action with the present action and to appoint his counsel as interim counsel for the putative class [Docket # 10]. Because a motion for transfer and coordination or consolidation is now pending before the MDL Panel, the motion is DENIED without prejudice to refile if the MDL denies the motion pending before it.

IT IS SO ORDERED.



JAMES D. TODD
UNITED STATES DISTRICT JUDGE


DATE



Notice of Distribution

This notice confirms a copy of the document docketed as number 22 in case 1:05-CV-01153 was distributed by fax, mail, or direct printing on September 9, 2005 to the parties listed.

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Honorable James Todd
US DISTRICT COURT